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Department of Energy

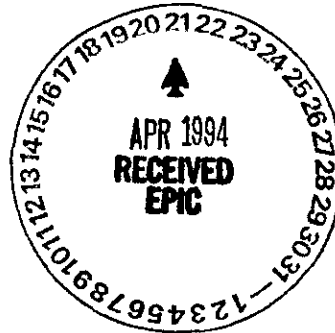
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

94-RPS-185

APR 06 1994

Mr. Chuck Clarke
Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Ms. Mary Riveland, Director
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504



Dear Mr. Clarke and Ms. Riveland:

HANFORD SITE COMMENTS ON THE SECOND DRAFT OF THE RESOURCE CONSERVATION AND
RECOVERY ACT PERMIT FOR THE TREATMENT, STORAGE, AND DISPOSAL OF DANGEROUS
WASTE FOR THE HANFORD FACILITY

The U.S. Department of Energy, Richland Operations Office (RL), Westinghouse Hanford Company (WHC), and Pacific Northwest Laboratory (PNL) have jointly prepared and are formally submitting the enclosed document entitled "Hanford Site Comments on the Second Draft of the Resource Conservation and Recovery Act (RCRA) Permit for the Treatment, Storage, and Disposal of Dangerous Waste for the Hanford Facility" (hereinafter termed the Comment Document). The Comment Document was prepared in response to the sixty-day public review period initiated on February 9, 1994, and is being submitted to meet the respective obligations of RL, WHC, and PNL under 40 CFR Part 124 and WAC 173-303-840(6).

The Comment Document builds on the five review criteria and the comments on the first draft of the RCRA Permit submitted to the State of Washington Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) on March 16, 1992. These five review criteria include: (1) Consistency with the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), (2) Regulatory Authority and Requirements, (3) Appropriate Level of Control, (4) Consistency of Regulatory Requirements, and (5) Management Efficiency and Cost Effectiveness.

The second Draft Permit shows a substantial improvement over the first draft of the RCRA Permit. However, several areas of concern still remain and account for the comments included in the current submittal. Key Comments, resulting from the application of the aforementioned five review criteria, are organized under one of the following comment categories: (1) Regulatory Interpretation, (2) Cost and Management Efficiency, and (3) Waste Movement.

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The Comment Document is organized into Key Comments and Condition-Specific Comments associated with each Key Comment. Also provided for each Condition-Specific Comment is a detailed discussion of the actions requested to be taken by the regulators in finalizing the Permit (including specific Permit language), and the justifications upon which the requested actions are based.

On April 1, 1994, representatives from RL, WHC, and PNL met with Ecology to discuss our Key Comments. We believe significant progress was made in obtaining an understanding by the Ecology staff of the issues associated with these comments. We also reconfirm our commitment to continue to work with you in an effort to resolve these issues in order to avoid exercising the appeal process, if possible. We look forward to meeting with your staff on April 15, 1994, to begin discussing issue resolution details.

We are aware that you have targeted a mid-June 1994, issuance date for the final Permit. In accordance with the regulations, the Permittees have thirty days after the issuance date to file an appeal of any of the Permit conditions. We understand that those conditions that are not appealed will become effective in mid-July 1994.

We have questioned the regulatory basis for several of the Draft Permit conditions that represent a particularly significant scope increase. For example, mapping and marking, and facility wide groundwater monitoring costs are currently estimated at \$50 million and \$800 million, respectively, over the life of the Hanford Site cleanup. Financial instruments to provide closure and post closure assurance and liability protection for a \$7 billion closure program would also be extremely costly. We believe that these three elements, and other elements of the Draft Permit, are candidates for regulatory streamlining as specified in the Cost and Efficiency Initiative negotiated in association with the January 1994, amendment of the Tri-Party Agreement.

As discussed in the April 1, 1994, meeting, we also need to agree on an approach to handle changes to RL contractors including the transfer of management responsibility for environmental restoration from WHC to Bechtel Hanford, Inc. on July 1, 1994. We are pursuing options regarding this need and will be prepared to discuss some of these options at our April 15, 1994, meeting.

We will continue to support open and responsive communication with you as your organizations address review comments received on the second Draft Permit. We believe such communication over the last few months contributed to the significant improvement in the second Draft Permit issued for public comment, and would also benefit Permit finalization. Furthermore, we will continue regulatory streamlining discussions with you and your staff in support of the Cost and Efficiency Initiative.

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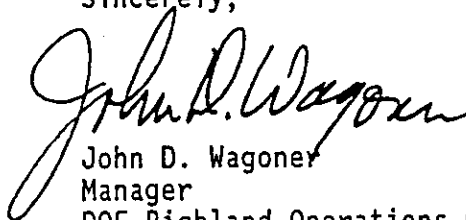
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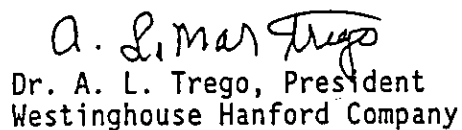
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If you have questions regarding the contents of this letter or the enclosure, please contact Mr. S. H. Wisness of RL on 376-5441, Mr. W. T. Dixon of WHC on 376-0428, or Dr. T. D. Chikalla of PNL on 376-2239.

Sincerely,


John D. Wagoner
Manager
DOE Richland Operations Office

EAP:CEC


Dr. A. L. Trego, President
Westinghouse Hanford Company


Dr. W. R. Wiley, Director
Pacific Northwest Laboratory

Enclosure:
Hanford Site Comments

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